



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Request to Set Hearing Under the Comprehensive Municipal Environmental Response and Liability Ordinance (MERLO) at Request of Joseph Salazar, Attorney for M&P Investments

MEETING DATE: March 17, 1999

PREPARED BY: City Attorney

RECOMMENDATION: That the City Council set a Public Hearing for April 14, 1999 at 5:30 p.m.

BACKGROUND: The City under the terms of its Comprehensive Municipal Environmental Response & Liability Ordinance has been pursuing an Administrative Action against M&P Investments, the owners of the property where the Busy Bee Cleaners were located. This particular administrative action has been going on for several months.

Just recently the Hearing Officer in the matter, Attorney John Reece of Stockton issued a ruling that was favorable to the City. Counsel for M&P Investments, Joe Salazar, has timely filed pursuant to §8.24.060 (B) (5) an objection to the Hearing Officer's Order. This filing on behalf of M&P Investments requires that a hearing be held before the City Council in order to review the Hearing Officer's Order.

Under the procedures established in our ordinance, it is necessary that the hearing be set far enough in advance that the requesting party can be provided at least twenty-one (21) days notice of the hearing date. Additionally, since it is expected that the hearing will take approximately one hour, it is believed by staff to be appropriate to suggest that the hearing being held at a time other than a regular Council meeting. Therefore, it is suggested that the hearing be scheduled on April 14, 1999 at 5:30 p.m. as recommended.

FUNDING: Not applicable.

Respectfully submitted,



Randall A. Hays, City Attorney

APPROVED: _____
H. Dixon Flynn -- City Manager